

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY BRANDEL, *et al.*,

Defendants.

Case No. 2:13-CR-00439-KJD-VCF

ORDER

Presently before the Court is Plaintiff's Motion in Limine (#102). Defendants filed a response (#111) to which Plaintiff replied (#122).

Plaintiff moves to admit evidence that purports to demonstrate Defendants' intent and knowledge regarding their alleged participation in the charged offense. Rule 404(b) of the Federal Rules of Evidence allows a party to offer evidence of other acts to establish motive, intent, absence of mistake, and lack of accident. Fed. R. Evid. 404(b). This rule bars the admission of other acts to establish propensity, however. Having read and considered the present motion, the Court finds that the evidence tends to establish an element of the charged offense, i.e., intent, knowledge and/or absence of mistake. Further, the probative value of this evidence is not outweighed by the danger of unfair prejudice. Fed. R. Evid. 403.

Accordingly, the Court **GRANTS** the motion (#102).

IT IS SO ORDERED.

DATED this 5th day of November 2015.



Kent J. Dawson
United States District Judge